

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 27, 2002

DIVISION ONE

B159144 Richards (Not for Publication)

v.
Superior Court, Los Angeles County
(Santoro, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of March 22, 2002 striking the Crumptions' statement of disqualification and directing the Los Angeles Superior Court to transfer Los Angeles Superior Court case Nos. 7WL03131 and 7WL03133, entitled People v. Eric Crumpton, et al. to another trial court judge. The stay of proceedings heretofore imposed is vacated.

Spencer, P.J., Ortega, J., Rico, J. (Assigned)

B150924	People v. Carter	(Not for Publication)
B157566	In re Carter on habeas corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B148909 People (Not for Publication)
v.
Tinoco et al.

The judgments are modified to reflect that defendants are to receive 823 days of presentence credits, consisting of 716 days of actual credit and 107 days of conduct credit. As so modified, the judgments are affirmed. The clerk of the superior court is directed to prepare amended abstracts of judgment and forward them to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B144242 Copperman (Not for Publication)
v.
Freedman et al.

The judgment is affirmed. Freedman, Brewer, and the Hornberger firm are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B143308 Ghodsi et al. (Not for Publication)
v.
Eshaghian et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B152557 Gary Gelfand et al. (Not for Publication)
v.
Isaac Gabriel

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

I concur: Ortega, J.
I concur in the judgment only: Vogel (Miriam A.), J.

B149736 People (Not for Publication)
v.
Long

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B154642 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gwendolyn P.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B152516 People (Not for Publication)
v.
Monson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B149844 Moore (Not for Publication)

V.

Sedars-Sinai Imaging Medical Group

The order of March 1, 2001, is affirmed. The motion for sanctions is denied but Cedars-Sinai Imaging Medical group is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B157414 Carolyn I. (Not for Publication)

V.

Superior Court, Los Angeles County
(L.A. County Department of Children & Family Services, r.p.i.)

The petition is denied. The stay order of May 2, 2002, is dissolved.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B154408 People (Not for Publication)

V.

Stokes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rico, J. (Assigned)

DIVISION ONE (Continued)

B154796 People (Not for Publication)
v.
Zarate

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B152565 Marrero (Not for Publication)
v.
Seidin et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rico, J. (Assigned)

June 27, 2002-Continued

DIVISION ONE (Continued)

B152809 L.A. Police Protective League (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B153267 People (Not for Publication)
v.
Jefferson

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Rico, J. (Assigned)

DIVISION TWO

B134386 Electro Lock, Inc.
v.
Core Industries, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO (Continued)

B152158 People (Not for Publication)
v.
Thedford

The case is remanded solely to permit the trial court to impose additional custody credits, and otherwise is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B153707 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ricky P.

The juvenile court's order terminating father's parental rights is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B153705 County of Los Angeles (Not for Publication)
v.
Bruce Anthony Blount

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B149366 Donna Lefkovits (Not for Publication)
 v.
 Marriott Hotels, a corp.

The judgment is reversed. Appellant(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B148630 Darin Kessing (Not for Publication)
 v.
 Orbit Productions et al.

The judgment is reversed, and the matter is remanded with directions to conduct further proceedings not inconsistent with the views expressed herein. Plaintiff is awarded his costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B148468 Frank De Maci (Not for Publication)
 v.
 Joseph Fredrics

The judgment is affirmed. Each party to bear their own costs.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B152166 People (Not for Publication)
v.
Lugo

The trial court's order granting Lugo a new trial is reversed. The matter is remanded for proceedings consistent with the view expressed herein.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B151131 Edward D. Basura, Jr., et al.
v.
U.S. Home Corporation

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B155537 Squaw Valley Ski Corporation (Not for Publication)

v.

Superior Court, Los Angeles County

(Nicholas Steenolsen, r.p.i.)

A peremptory writ of mandate shall issue directing respondent court to vacate its order of December 5, 2001, granting plaintiff's motion for reconsideration. The clerk of the superior court is directed to transfer the underlying superior court action to Placer County, in accordance with respondent court's October 25, 2001, order. Costs of this proceeding are awarded to petitioner.

Armstrong, Acting P.J.

We concur: Mosk, J.

Turner, P.J. (Opinion)

B143162 Lewis Jorge Construction Management Inc.

v.

Pomona Unified School District et al.

Filed order vacating submission order of March 4, 2002. Pursuant to rule 22.5 of the California Rules of Court, the March 4, 2002, order of submission is vacated. Good cause exists to vacate the March 4, 2002, order of submission because of: the lengthy nature of the record; the complexity of the issues, some of which may warrant publication with ensuing public disclosure of the factual matters underlying the dispute; and the fact that Presiding Justice Arthur Gilbert has been conducting extensive ongoing settlement negotiations and one of plaintiff's principals is currently unavailable. The cause is resubmitted effective Friday April 26, 2002. Unless the parties are able to settle this litigation, the court anticipates filing an opinion during the week of July 15, 2002. The time for final hard bargaining and ultimate settlement of this dispute is now at hand.

DIVISION SIX

[illegible]

The order of June 18, 2001 is affirmed. The appeal from the order of July 3, 2001 and from the "Notice of Ruling on Motion for Reconsideration" dated August 24, 2001 is dismissed. As a sanction for this frivolous appeal, Husband and Paul A. Doyle, Jr., shall pay \$3,000 to respondent Wife. Wife shall also recover her costs on appeal. A copy of this opinion shall be forwarded to the State Bar of California (Bus. & Prof. Code, Section 6086.7.)

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B149785 People
v.
Fernando Noriega

Filed order denying petition for rehearing.

B142943 People
v.
Smith, Thomas and Gonzalez

Filed order denying petition for rehearing.

B156079 Bailon
v.
Superior Court, Los Angeles County
(People, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Armstrong, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B145874 People v. Lampel
B154014 DCFS v. Carlos U.
B154146 People v. Rivas
B155029 DCFS v. Unique M.
B157299 Nadine S. v. SCLA

Argument waived, cause submitted.

B151070 Steinberg
v.
Garcia

Merits:

Argued by Joel Drum for appellant and by Kevin H. Louth for respondent.
Cause submitted.

B150103 Nunberger
v.
Cal Fed Insurance Gency, Inc.

Merits:

Argued by Howard Posner for appellant and by David M. Chute for respondent. Cause submitted.

B149368 McGarrigle
v.
Gernsbacher & McGarrigle

Merits:

Argued by Steven C. Huskey for appellant and by David L. Gernsbacher for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B150655 People
 v.
 Triana

Merits:

Argued by Allison H. Ting for appellant and by Richard Breen, deputy attorney general, for respondent. Cause submitted.

B151727 Wiesman
 v.
 Palutsky

Merits:

Argued by Michael M. Baranov for appellant and by Kathryn Albarian for respondent. Cause submitted.

B158722 In re Wilmer Eduardo Alberto
 on Habeas Corpus

Merits:

Argued by John Hamilton Scott, deputy public defender, for petitioner and by Matthew G. Monforton, deputy district attorney, for respondent. Cause submitted.

B151497 LSJ, LLC
 v.
 Superior Tour Service

Merits:

Argued by John A. Belcher for appellant and by Karen Peabody for respondent. Cause submitted.

B145576 Bakshi
 v.
 State Fund

Oral argument continued to July 30, 2002 at 9:00 a.m.

DIVISION EIGHT (Continued)

B152244 Markey, III
 v.
 Jonathan Club et al.

Oral argument continued to July 31, 2002 at 9:00 a.m.

Court adjourned at 11:28 A.M.

B145666 Jones
 v.
 County of Los Angeles

Filed order certifying opinion for publication.

B151336 New West Mortgage Company (Not for Publication)
 v.
 Home Loan Mortgage Company

The judgment in favor of Home Loan and against New West is reversed with directions to the trial court to (1) give judgment to New West for nominal damages; (2) exercise its discretion in determining whether to award costs against Home Loan and, if so, apportion costs between Basile and Home Loan; and (3) reverse the order awarding costs against New West and in favor of Home Loan. New West shall recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.